

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-cr-35

WHITTENEY GUYTON

Defendant,

MOTION TO WITHDRAW

COMES NOW, the undersigned counsel, James O. Broccoletti, and hereby moves this Honorable Court for leave to withdraw as counsel for the Defendant for the following reasons.

Counsel was retained by the Defendant on April 1, 2023, an indictment alleging healthcare fraud and eight counts of false statement. The case was set for trial initially on September 25, 2023, but was continued, without objection, because of additional discovery materials recently obtained by the Government. The case was reset for trial on January 22, 2024, but was continued by motion of counsel for the Defendant to undergo a competency evaluation. After the Defendant was found competent trial was reset for August 26, 2024.

Counsel continually called Ms. Guyton in to review discovery, witness statements, Jencks material, Grand Jury transcripts, all to prepare for trial. Ms. Guyton provided four names as potential witnesses, three of which would not respond and a fourth who did respond but was adverse and could not be called as a witness.

Counsel met with Ms. Guyton multiple times in the weeks preceding trial and had a long telephone conversation with her on Sunday night before trial. Ms. Guyton came to court Monday morning with her wife and her bishop. In their presence she advised

that she wanted to plead guilty. Together we reviewed the statement of facts and the plea colloquy that the court would conduct. She was advised that the court could remand her to jail after the plea, and she was earlier advised the Court could do that upon a finding of guilt after a trial.

The court concluded the guilty plea, and Ms. Guyton, under oath, answered the Court's questions. After the plea the Government sought to remand her, and after argument, the court granted the Government's motion.

Since Ms. Guyton has been incarcerated she has become increasingly more confrontational. Both she and her wife blame counsel for her pleading guilty, not prepared to try the case, her being remanded to jail and a litany of other supposed errors. The last message was that Ms. Guyton is filing a bar complaint based upon my incompetence and unprofessionalism.

Therefore, based on the tenor of the current client relationship it is impossible for counsel to continue and to be able to zealously advocate for his client. The relationship is irretrievably broken.

Wherefore counsel respectfully moves the court to withdraw from any further representation.

Respectfully submitted,

/s/

James O. Broccoletti, Esquire
Attorney for the Defendant
VSB: 17869
6663 Stoney Point S.
Norfolk, VA 23502
Telephone: (757) 466-0750
Fax: (757) 466-5026
james@zobybroccoletti.com